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# Child Safety Policy



## 1 Purpose

The City of Coffs Harbour (City) provides and delivers programs and services that children access and use and the City is committed to child safety by:

1. Ensuring that our programs and services are safe for children and protects their welfare, wellbeing and, in particular, protects them from child abuse
2. Ensuring that all City workers (including volunteers) act in the best interests of and take all responsible steps to ensure a child's safety
3. Informing all staff and volunteers of their obligations and responsibilities in keeping children safe
4. Establishing and implementing systems for child safety that address risk management, recruitment, training reporting and complaints management and training.

## 2 Policy

In order to ensure the safety of Children accessing the City's programs and services, the City is committed implementing the following 10 Child Safe Standards as defined in the Children's Guardian Act 2019:

**Standard 1** Child safety is embedded in organisational leadership, governance and culture

**Standard 2** Children participate in decisions affecting them and are taken seriously

**Standard 3** Families and communities are informed and involved

**Standard 4** Equity is upheld and diverse needs are taken into account

**Standard 5** People working with children are suitable and supported

**Standard 6** Processes to respond to complaints of child abuse (or other concerns) are child-focused

**Standard 7** Staff are equipped with the knowledge, skills and awareness to keep children safe, through continual education and training

**Standard 8** Physical and online environments minimise the opportunity for abuse or other kinds of harm to occur

**Standard 9** Implementation of the Child Safe Standards is continuously reviewed and improved

**Standard 10** Policies and procedures document how the organisation is child safe

In implementing these standards, the following sections describe the City's overall objectives.

### 2.1 Prevention

The City believes that prevention is the best approach to child safety and protecting children from child abuse. The City will:

1. Review the City's programs and services to identify any potential child safety risks
2. Develop and implement systems and processes for child safety
3. Promote awareness in identifying child safety risks and their obligations under child protection legislation
4. Promote an awareness and sensitivity to vulnerable children

5. Ensure recruitment systems include processes involving Working with Children Checks for all new and existing workers conducting child related work have a working with children check in accordance with the Act or as otherwise determined by the City

## 2.2 Monitoring and Compliance

In order to ensure that programs and services for child safety are effective, the City will:

1. Ensure that child safety hazards, risks and controls are regularly reviewed for their effectiveness and new child safety risks are identified
2. Regularly review working with children check to ensure they remain up to date.
3. Conduct child safety audits and inspections to identify areas of non-conformance and improvements in systems

## 2.3 Response

The City will ensure that it responds quickly and appropriately where child safety could be, or is, at risk. The City will:

1. Encourage and facilitate workers to report situations where they feel children are at risk of harm (within the definition of reportable conduct)
2. Act promptly for all complaints and allegations of child abuse and provide a system for reporting of all child abuse allegations that occur at a City programs and services by our workers ensuring such allegations are:
  - (a) treated with sensitivity, having regard to the privacy of individuals and their families
  - (b) investigated in an efficient and equitable manner
  - (c) promptly notified to the appropriate Government Authority
3. Remove workers from working in child related work should a check or continuous monitoring result in an interim bar, refusal or cancellation of clearance. If the worker is a City employee then the matter will be referred to the General Manager for determination; which may also result in termination of employment.
4. Review and refer all cases to the General Manager where the City is made aware that a worker is charged or convicted of a child related offence, regardless of their role in the City

## 3 Definitions

**Act:** means the Child Protection (Working with Children) Act 2012 (NSW).

**Child abuse:** as defined in s227 of the Children and Young Persons (Care and Protection) Act 1998.

**Child related offence:** an offence listed in Schedule 2 of the act.

**Child related work:** means work (either paid or unpaid) involving face-to-face contact with children in a child related sector as designated by the Act, Regulation or otherwise as determined by the City.

**Children/child:** in relation to employment, a child is a person under the age of 15 years (s.90 of the Childrens Guardian Act), in all other cases, a child is a person who is less than 18 years of age (s.109 of the Childrens Guardian Act).

**Children's Guardian:** means the Office of the Children's Guardian which is an independent statutory body managing the working with children check.

**Interim bar:** A bar (s17 of the Act) on the applicant or holder of a working with children check from doing any of the following:

- a) engaging in child related work
- b) residing on the same property as an authorised carer
- c) residing on a property where a home based education and care service or family day care service is provided.

**Programs and services:** This includes City programs, services, events, venues and facilities etc. when City Workers are present and on duty as part of their work for the City.

**Regulation:** means the Child Protection (Working with Children) Regulation 2013.

**Reportable conduct:** means (s25A of the Ombudsman Act 1974):

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material (within the meaning of Division 15A of Part 3 of the Crimes Act 1900)), or
- b) any assault, ill-treatment or neglect of a child, or
- c) any behaviour that causes psychological harm to a child,

whether or not, in any case, with the consent of the child. Reportable conduct does not extend to:

- i. Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- ii. the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- iii. conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA of the Ombudsman Act 1974.

**Risk of significant harm:** as defined in s23 of the Children and Young Persons (Care and Protection) Act 1998.

**Worker:** For the purpose of this policy means any person who is engaged in work in any of the following capacities as:

- a) An employee,
- b) A self-employed person or as a contractor or subcontractor,
- c) A volunteer,
- d) A person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience)

**Working with children check:** means the background checking process which is a prerequisite for individuals engaged in child related work, and involves a full national criminal history check and a review of reported workplace misconduct.

## 4 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead councillors in their understanding of, and compliance with this policy.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with this policy.
Directors	All Directorates	To communicate, implement and comply with this policy.
City Leaders	All Directorates	To implement this policy.
Organisation Development	Business Services	Responsibility for recruitment and employment related processes.
All City staff	The City	To comply with and follow the requirements of this policy.

## 5 References

- A guide to the Child Safe Standards - Office of the Children’s Guardian
- Childrens Guardian Act 2019
- Childrens Guardian Regulation 2022
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Children and Young Persons (Care and Protection) Act 1998
- Crimes Act 1900
- Anti-Discrimination Act 1977
- Ombudsman Act 1974
- The City’s Code of Conduct
- The City’s Volunteer Policy

## 6 Details of Approval and revision

- **Approval date:** 14/12/2023
- **Responsible Group:** Organisational Development
- **Responsible Section:** N/A
- **Superseded policies/procedures:** N/A
- **Next review date:** 28/08/2025

### Table of amendments

Amendment	Authoriser	Approval ref	Date
This Policy was reviewed to include a commitment to the 10 Child Safe Standards as defined in the Children’s Guardian Act 2019. It also updated references to the City of Coffs Harbour Updated definition of a Child to confirm with the Childrens Guardian Act and removed reference to clearance in regard to working with children checks.	Council	2023/246	14/12/23
New Policy	Council	2017/251	26/10/17